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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,081	10/31/2003	Kazuo Okada	SHO-0042	9728
23353 7590 04/24/2009 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
THOMAS, ERIC M				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,081

Applicant(s)

OKADA, KAZUO

Examiner

Eric M. Thomas

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 12/22/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/3/09 has been entered.

Response to Amendment

This is in response to the amendments filed on 7/11/08; claims 1, 4, and 5 have been amended. Claims 1 - 5 are now pending in the current application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al. (U.S. 2001/0031658) in view of Jeong (U.S. 2003/0016313).

Regarding claims 1, 4, and 5, Ozaki provides a gaming machine that includes a variable display device, wherein the display device discloses a front display device in front of the variable display device, (par. 0010), wherein the front display device may include an electrical display device that allows the variable display device to be

observed, (par. 0007), a rear holder that has a front and rear face that defines a thickness that holds the electrical display device from a rear side in a facially – opposing manner, (fig. 2, part 27), wherein the rear holder having one or more windows allowing the designs of the variable display to be observed, (fig. 2, parts 27a, 27b, and 27c). The flat panel member as disclosed in the present invention is a machine front panel that extends across the display of the gaming machine. Ozaki further discloses a middle section, in which a front panel, (part 26 of fig. 1 and fig. 2), is fitted, wherein the front panel, the transparent EL panels, and the rear holder, (part 27 of fig. 2), are stacked to from an integrated three-layer structure (par. 0042). The examiner views the front panel as a flat panel member that is defined by an outer peripheral edge having a front face and an opposite rear face that defines a thickness there between, wherein the panel member having one or more windows, (parts 27a, 27b, and 27c), disposed internally of the outer peripheral edge and extending to and between the front and rear faces, wherein each window having a recessed portion that extends from the front face and partially into the panel member, but Ozaki is silent on the issue of the peripheral corner portions of the rear holder being removed. In a related art, however, Jeong provides a display device that teaches the removal of end portions of a guide plate or window of a display device, wherein the removal of the end portions, forms a second recessed portion which is a stepped down-portion that is larger than the first recessed portion (abstract and par. 0076). Therefore, one would be motivated to combine the teachings of Jeong into the art disclosed by Ozaki in order to make the thickness of the rear holder thinner in order to make a stepped down portion that extends from the rear side and

partially into the rear holder in order to prevent the peripheral corner portions from being viewed by the player of the gaming machine.

Regarding claim 2, Ozaki provides a gaming machine wherein the variable display device comprises one or more rotatable reels with each having a reel band which designs are drawn (par. 0046).

Regarding claim 3, Ozaki provides a gaming machine that is a slot machine (fig. 1).

Response to Arguments

Applicant's arguments filed 4/3/09 have been fully considered but they are not persuasive. Applicants argue that the supplied art, alone or in combination, "fails to teach or suggest a panel member of the rear holder has one or more windows disposed internally of an outer edge thereof", and Applicants further argue that the applied art "fails to teach or suggest that each window has a first recessed portion extending from the front face and partially into the panel member and a second recessed portion extending from the rear face and partially into the panel member toward the front display device with the second recessed portion being larger than the first recessed portion thereby forming a stepped down portion from the first recessed portion to the second recessed portion that completely surrounds the first recessed portion." The examiner respectfully disagrees. As stated above, the flat panel member as disclosed in the present invention is a machine front panel that extends across the display of the gaming machine. Ozaki further discloses a middle section, in which a front panel, (part 26 of fig. 1 and fig. 2), is fitted, wherein the front panel, the transparent EL panels, and

the rear holder, (part 27 of fig. 2), are stacked to form an integrated three-layer structure (par. 0042). The examiner views the front panel as a flat panel member that is defined by an outer peripheral edge having a front face and an opposite rear face that defines a thickness there between, wherein the panel member having one or more windows, (parts 27a, 27b, and 27c), disposed internally of the outer peripheral edge and extending to and between the front and rear faces, wherein each window having a recessed portion that extends from the front face and partially into the panel member. Whereas the secondary art reference, Jeong which provides a display device that teaches the removal of end portions of a guide plate or window of a display device, wherein the removal of the end portions, forms a second recessed portion which is a stepped down-portion that is larger than the first recessed portion (abstract and par. 0076), thus the examiner maintains the rejection of the present invention being unpatentable over the teachings of Jeong into the art disclosed by Ozaki, which would make the thickness of the rear holder thinner in order to make a stepped down portion that extends from the rear side and partially into the rear holder in order to prevent the peripheral corner portions from being viewed by the player of the gaming machine.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714